

## HOUSE MESSAGE.

The following House message was received:

Hall of the House of Representatives,  
Austin, Texas, Feb. 10, 1899.

*To Hon. J. N. Browning, President of the Senate.*

I am directed by the House to inform the Senate of the passage of the following bill:

House bill No. 352, A bill to be entitled "An Act to create a commission to frame and report a complete system of laws for the assessment, collection and accounting of taxes and public revenues in the State, to provide the duties and compensation of said commission, the methods of its work, the period of its service and the submission of a report of its labors to the Legislature, and to make an appropriation to defray the expenses of the same (with engrossed rider)."

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

## IN THE SENATE.

The above House bill No. 352 was referred by the Chair to Judiciary Committee No. 1.

Private Secretary Cravens was announced from the Governor, and the Chair laid before the Senate the following

## EXECUTIVE MESSAGE.

*To the Senate and House of Representatives:*

I have just been advised that a fire occurred in the penitentiary at Huntsville, Texas, this morning at 6 o'clock, the cell and administration buildings being destroyed. There was neither loss of life nor escape of prisoners.

The members of the Penitentiary Board have been directed by me to proceed immediately to Huntsville and make inquiry into the matter and to report as soon as practicable the loss sustained, with recommendations as to what should be done.

Upon receipt of the report of the Board, I will further communicate with you upon the subject.

JOSEPH D. SAYERS,  
Governor.

On motion of Senator Morriss, the Senate adjourned until 10 o'clock tomorrow morning.

## TWENTY-SIXTH DAY.

Senate Chamber,

Austin, Texas, Tuesday, Feb. 14, 1899.

Senate met pursuant to adjournment. President pro tem. Stafford in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Neal.
Burns.	Odell.
Davidson.	Patterson.
Dibrell.	Potter.
Gough.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Terrell.
Lloyd.	Turney.
McGee.	Wayland.
Miller.	Yantis.
Morriss.	Yett.

Absent.

Greer.

Absent—Excused.

Goss.  
Hanger.

Lewis.  
Linn.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator McGee, the same was dispensed with.

## EXCUSED.

On motion of Senator Ross, Senator Greer was excused for non-attendance upon yesterday and today, on account of important business.

On motion of Senator Neal, Senator Wayland was excused for non-attendance on yesterday, on account of important business.

## PETITIONS AND MEMORIALS.

By Senator McGee:

Petition from citizens of Harrison county protesting against the "passage of any medical bill which aims to limit or control freedom of selection and the individual right to have any kind of practitioner desired."

Read, and referred to Committee on Public Health.

By Senator Neal:

Petition from the citizens of Walker county, asking the Legislature to make an appropriation to build a monument over the grave of Gen. Sam Houston.

Read, and referred to the Committee on Finance.

## COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, Feb. 13, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 76, being "An Act to prevent the sale of cigarettes and tobacco to persons under the age of sixteen years, and to prescribe a penalty for violating the same."

And find the same correctly engrossed.  
DAVIDSON, Acting Chairman.

Committee Room,  
Austin, Texas, Feb. 13, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate substitute bill No. 67, being "An Act to promote agriculture and stock-raising, and to prohibit the hunting with fire-arms or dogs upon the enclosed lands of another in all counties within this State not specially named as exempt from the provisions of this act, and to provide a penalty therefor,"

And find the same correctly engrossed.  
DAVIDSON, Acting Chairman.

Committee Room,  
Austin, Texas, Feb. 13, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 70, being "An Act to collect fines and costs where convictions are had in felony cases, and providing for working and hiring out such convicts as in misdemeanor cases,"

And find the same correctly engrossed.  
DAVIDSON, Acting Chairman.

Committee Room,  
Austin, Texas, Feb. 13, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 134, being "An Act to abolish the unorganized county of Encinal; to establish the boundaries of Webb county, so as to include the territory of said unorganized county; to provide for the transfer of funds belonging to said county in the State treasury to the treasury of Webb county; and for

the collection of taxes due from non-residents,"

And find the same correctly engrossed.  
DAVIDSON, Acting Chairman.

Committee Room,  
Austin, Texas, Feb. 10, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 114, being "An Act to amend Articles 3862, 3863 and 3866, Revised Civil Statutes, relating to the government of the Agricultural and Mechanical College of Texas,"

And find the same correctly engrossed.  
DAVIDSON, Acting Chairman.

Committee Room,  
Austin, Texas, Feb. 13, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 95, being "An Act to provide for perfecting appeal in criminal cases from convictions had in justice courts, or other inferior courts to the county courts,"

And find the same correctly engrossed.  
JAMES, Chairman.

Committee Room,  
Austin, Texas, Feb. 14, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 131, being "An Act to amend Articles 3235, 3236 and 3240, of the Revised Civil Statutes of the State of Texas of 1895, relating to the preference lien granted to the landlord for rent, supplies, advances, etc.,"

And find the same correctly engrossed.  
JAMES, Chairman.

Committee Room,  
Austin, Texas, Feb. 13, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 112, being "An Act granting a pension to Hardy W. B. Price, a San Jacinto veteran,"

And find the same correctly engrossed.  
JAMES, Chairman.

Committee Room,  
Austin, Texas, Feb. 14, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 84, being a bill to be entitled "An Act to amend Article 838, Chapter 6, Title XVII, of the Penal Code of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature of 1895, defining the offense of burglary,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the attached substitute for the same *do pass*.

YANTIS, Chairman.

Substitute for Senate Bill No. 84 (by Committee):

A bill to be entitled "An Act to amend An Act entitled 'An Act to amend Article 838, Chapter 6, Title XVII, of the Penal Code of the State of Texas, defining the crime of burglary, same being Chapter 62, page 65, General Laws of Texas, adopted at the Regular Session of the Twenty-fifth Legislature, 1897, defining the offense of burglary.'"

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 62, page 65, General Laws of Texas, adopted at the Regular Session of the Twenty-fifth Legislature, 1897, be so amended as hereafter to read as follows:

Section 1. That Article 838, Chapter 6, Title XVII, of the Penal Code of the State of Texas, be so amended as hereafter to read as follows:

Article 838. The offense of burglary is constituted by entering a house by force, threats or fraud at night, or by entering a house in any manner in the daytime and remaining concealed therein until night, or by entering a house in any manner at night and remaining concealed therein with the intent in either case of committing a felony or the crime of theft.

Committee Room,  
Austin, Texas, Feb. 14, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 149, being a bill to be entitled "An Act to extend the time until the first day of January, 1902, in which the affairs of the Franco-Texan Land Company, a defunct private corporation, may be administered and wound up by

the District Court of Parker county, Texas, in cause No. 3305, now pending in said court,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, Feb. 14, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 141, being a bill to be entitled "An Act to authorize the Houston and Texas Central Railroad Company to purchase, own and operate the railroad of the Central Texas and Northwestern Railway Company, with its franchises and appurtenances, the railroad of the Fort Worth and New Orleans Railway Company, with its franchises and appurtenances, the Lancaster Tap Railroad, with its franchises and appurtenances, the railroad of the Austin and Northwestern Railroad Company, with its franchises and appurtenances, and the railroad of the Granite Mountain and Marble Falls City Railroad Company, with its franchises and appurtenances, or either or any of such railroads, with its or their franchises and appurtenances, and to authorize the owners of each of said railroads, and its franchises and appurtenances, to sell the same, and to authorize said Houston and Texas Central Railroad Company to issue additional mortgage bonds to the amount of the value of the railways, franchises and appurtenances purchased as fixed, or as the same may be fixed by the said Railroad Commission of Texas, and to regulate the reports of such properties and the operations thereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

WAYLAND, Acting Chairman.

Committee Room,  
Austin, Texas, Feb. 14, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 156, being a bill to be entitled "An Act to authorize railroad companies of this State to accept and exercise the rights and privileges conferred upon them by Acts of Congress granting them the right of way for their roads in and through the Indian Territory, without limiting the authority of

the laws of Texas over so much of such railroad as may be within the State of Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, Feb. 13, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Towns and City Corporations, to whom was referred Senate bill No. 72, being a bill to be entitled "An Act to incorporate the city of Austin, to grant it a new charter and to fix its boundaries,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*, with the attached amendment by Dibrell, and with the attached amendment by Burns.

MILLER, Chairman.

#### BILLS AND RESOLUTIONS.

By Senator Stone:

Resolved, That the President of the Senate appoint a committee of three members to visit, as soon as possible, the State penitentiaries at Rusk and Huntsville, the State Reformatory, the State farms, and as many private farms at which State convicts are employed, as said committee may deem necessary. Said committee shall be furnished a clerk, and shall report in writing to the Senate the condition of said penitentiaries. The actual necessary expenses of said committee shall be paid out of the appropriation for the contingent expenses of the Legislature.

Adopted.

By Senator Burns:

Senate bill No. 160, A bill to be entitled "An Act to amend Article 642, of the Revised Civil Statutes, and to add thereto Section 57, regarding the purposes for which private corporations may be created."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Lloyd:

Senate bill No. 161, A bill to be entitled "An Act to amend Section 12, of Article 22, Title IV, of the Revised Civil Statutes of the State of Texas, changing the time of holding district court in Trinity county."

Read first time, and referred to Committee on Judicial Districts.

By Senator Morriss:

Senate bill No. 162, A bill to be entitled

"An Act to define white-capping and fixing a punishment therefor."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Odell:

Senate bill No. 163, A bill to be entitled "An Act to provide for the appraisement of real estate sold under mortgage, deed of trust, execution or other lien, and to repeal all laws in conflict herewith."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Grinnan:

Senate bill No. 164, A bill to be entitled "An Act empowering judges of district and county courts to compel the production for inspection by parties litigants in such courts, of books, documents and writings in the possession, power or control of the adverse party, his agent or attorney."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Neal:

Senate bill No. 165, A bill to be entitled "An Act to authorize the Superintendent of the State penitentiaries, with the advice and consent of the Governor, to sell the State's interest in certain lands situated in Maverick county, being an undivided interest of two-thirds in 320 acres, survey No. 50, in the name of John James, assignee of Hendrick Arnold, and to pay over the proceeds thereof to the Financial Agent of the State penitentiaries for the use of the penitentiaries."

Read first time, and referred to Committee on Finance.

By Senator Wayland:

Whereas, It is a matter of general concern that a wise and prudent system should prevail in the expenditure of the money taken from the people by taxation for the common benefit; and

Whereas, The financial transactions of the State have grown to such magnitude and importance that the public interests demand that the management of this branch of the public service should have the most critical attention to the end that all reasonable and proper checks and safeguards may be provided in the disbursement of the public funds, and

Whereas, It appears that under existing methods the Comptroller of Public Accounts, both determines the amounts due on accounts against the State, and directs payment from the treasury of such amounts as may be approved by him, without the concurrence of any other officer; and that there is no provision of law for the examination of the vouchers upon which his warrants on the treasury are drawn, thus practically placing the public funds within the con-

trol of one officer of the government, without any investigation of his official transaction; and

Whereas, The methods used more than fifty years ago are not adapted to the present immense volume of the State's financial transactions, and the responsibilities imposed on the Comptroller are now, by reason of the growth of the State, more than any man can discharge with that personal attention to details that should be given to matters of such great importance; therefore be it

Resolved, That the Governor, Comptroller of Public Accounts, and Revenue Agent of the State be requested to inquire into the present system of disbursing the revenues, and to report to the Senate at the next session of the Legislature as to the necessity for the creation of the office of auditor, whose duty it shall be to determine the amounts due on claims against the State, and to certify the same to the Comptroller for his approval and settlement by warrant on the treasury.

Read, and referred to Committee on Finance.

#### SPECIAL ORDER.

The Chair laid before the Senate special order for this hour,

Senate bill No. 47, A bill to be entitled "An Act to create and maintain a more efficient public road system for Cass county," action being on third reading and final passage.

Pending action, on motion of Senator Lloyd the regular order was suspended, and the Chair laid before the Senate,

Senate bill No. 76, A bill to be entitled "An Act to prevent the sale of cigarettes and tobacco to persons under the age of sixteen years, and to prescribe a penalty for violating the same," action being on third reading and final passage.

Bill read third time, and passed.

Senator Lloyd moved to reconsider the vote by which the bill passed and lay that motion on the table.

Tabled.

On motion of Senator Turney the regular order was suspended, and the Chair laid before the Senate,

House bill No. 123, A bill to be entitled "An Act to authorize the Southern Kansas Railway Company of Texas to purchase the Panhandle Railway, and to operate the same under the charter of the Southern Kansas Railway Company of Texas, as a part of its own line, with the right to extend the same, and to construct branches therefrom, by amendment of its charter, under the General

Laws of the State of Texas," action being on second reading.

Bill read second time, and passed to a third reading.

On motion of Senator Davidson the regular order was suspended, and the Chair laid before the Senate,

Senate bill No. 48, A bill to be entitled "An Act to amend Chapter No. 134, Sections Nos. 1, 7 and 15, of the General Laws of the Twenty-fourth Legislature, of 'An Act to create a more efficient road system for Hill, Grimes, Cooke, Hunt, Jackson, Bee and Victoria counties, Texas, and making county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers and defining their duties, and for the working of county convicts upon the public roads of said counties, and providing for officers' fees and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public road, and to provide for the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for a violation of this act, and repeal laws in conflict with this act,' " action being on final passage.

Bill read third time, and passed.

On motion of Senator Sebastian, the regular order was suspended, and the Chair laid before the Senate,

House bill No. 108, A bill to be entitled "An Act to amend Title IV, Chapter 2, of the Code of Criminal Procedure, relating to the unlawful disposing of mortgaged property, and more particularly fixing the venue of such cases,"

Action being on third reading and final passage.

Bill read third time, and passed.

On motion of Senator Grinnan, the regular order was suspended, and the Chair laid before the Senate,

Senate bill No. 78, A bill to be entitled "An Act to validate Patent No. 146, Volume 15, issued to A. J. Gray, to 426 acres of land in Comanche county, Texas,"

Action being on second reading.

Pending action, the following

#### EXECUTIVE MESSAGE

Was laid before the Senate:

Austin, Texas, Feb. 14, 1899.

To the Senate and House of Representatives.

It becomes my pleasing duty to trans-

mit to you the accompanying copy of a telegram received by me last evening from the Collector of Customs at Galveston, Texas.

JOSEPH D. SAYERS,  
Governor.

(Copy.)

Galveston, Texas, Feb. 13, 1899.

*His Excellency, Joseph D. Sayers, Governor, Austin, Texas.*

In the name of the Honorable Secretary of the Treasury, I tender you and the members of the Legislature the use of the revenue cutter "Galveston" on the occasion of your visit to the battleship Texas.

(Signed) F. L. LEE,  
Collector.

#### PENDING BUSINESS.

Action recurring on Senate bill No. 78, the bill was read in full at the request of Senator Dibrell.

Bill ordered engrossed.

On motion of Senator Johnson, the regular order was suspended, and the Chair laid before the Senate,

Senate bill No. 108, A bill to be entitled "An Act to amend Article 1012, Chapter 14, of the Revised Civil Statutes of 1895, so as to hereafter read as follows," action being on engrossment.

By Senator Dibrell:

"Amend in line 12, Article 1012, by striking out the words 'not exceeding' and insert in lieu thereof the word 'of.'"

Adopted.

Bill as amended ordered engrossed by the following vote:

Yeas—21.

Atlee.	Odell.
Dibrell.	Potter.
Gough.	Ross.
James.	Sebastian.
Johnson.	Stafford.
Kerr.	Terrell.
Lloyd.	Turney.
McGee.	Wayland.
Miller.	Yantis.
Morriss.	Yett.
Neal.	

Nays—1.

Grinnan.

Absent.

Burns.

Stone.

Davidson.

Absent—Excused.

Goss.

Lewis.

Greer.

Linn.

Hanger.

Senator Potter moved to reconsider

the vote by which the bill was ordered engrossed.

Reconsidered by the following vote:

Yeas—13.

Burns.	Odell.
Davidson.	Potter.
Grinnan.	Sebastian.
James.	Terrell.
Kerr.	Yantis.
Lloyd.	Yett.
McGee.	

Nays—12.

Atlee.	Neal.
Dibrell.	Patterson.
Gough.	Ross.
Johnson.	Stafford.
Miller.	Turney.
Morriss.	Wayland.

Absent.

Stone.

Absent—Excused.

Greer.

Lewis.

Goss.

Linn.

Hanger.

By Senator Potter:

"Amend by striking out '\$800' and inserting '\$600.'"

Senator Gough raised the point of order against the amendment that it sought to amend a clause already inserted by amendment.

Sustained.

Bill ordered engrossed.

On motion of Senator Sebastian, the regular order was suspended and the Chair laid before the Senate,

Senate bill No. 112, A bill to be entitled "An Act granting a pension to Hardy W. B. Price, a San Jacinto veteran," action being on final passage.

Bill read third time.

By Senator Sebastian:

"Amend by striking out, in line 22, page 1, the words 'a necessity' and insert in lieu thereof the following, 'an emergency.'"

Adopted.

Bill passed by the following vote:

Yeas—22.

Atlee.	Morriss.
Burns.	Neal.
Davidson.	Odell.
Dibrell.	Patterson.
Gough.	Ross.
James.	Sebastian.
Johnson.	Stafford.
Kerr.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.
Miller.	Yett.

## Nays—1.

Grinnan.

Absent.

Stone.

Absent—Excused.

Greer.

Lewis.

Goss.

Linn.

Hanger.

## BILL SIGNED.

The Chair signed in the presence of the Senate, after its caption had been read,

House bill No. 351, A bill to be entitled "An Act to fix the time for holding the courts in the Thirty-fifth Judicial District, and to repeal all laws in conflict therewith."

## HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, Feb. 14, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

I am directed by the House to inform the Senate of the passage of the following bills:

House bill No. 157, "An Act to repeal Articles 3898, 3899, 3900 and 3901, Title LXXXVI, Chapter 7, of the Revised Civil Statutes of 1895 of the State of Texas, transferring and setting apart annually one per cent. of the full value of the permanent school fund to the credit of the available school fund, and to declare an emergency, and provide that this act take immediate effect;"

Also House bill No. 190, "An Act authorizing and directing the President and Board of Trustees of the Agricultural and Mechanical College of Texas to employ an expert entomologist, whose duty it shall be to devise means, if possible, of destroying the 'Mexican boll weevil,' and other insect pests, and to perform the duties of Professor of Entomology in the Agricultural and Mechanical College of Texas, and appropriating five thousand dollars for the purpose of carrying this act into effect;"

Also Substitute House bill No. 125, "An Act to authorize private corporations created or that may be created under the general laws of Texas to extend or renew their corporate existence where the same has expired or may be about to expire by lapse of time, and prescribing the conditions and mode of such extension or renewal;"

Also House Concurrent Resolution No. 21, relating to the appointment of a joint committee to visit the State Reformatory;

Also House Concurrent Resolution No. 19, relating to the election of United States Senators by a direct vote of the people;

Also that the House has refused to concur in the Senate amendment to House bill No. 293, and has appointed Messrs. Morrow, Dies, Collins, Smith of Grayson and Henderson of Lamar as a conference committee on said bill.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

## IN THE SENATE.

The above reported House bills were read first time, and referred as follows:

House bill No. 157 to Judiciary Committee No. 1.

House bill No. 190 to Committee on Agricultural Affairs.

House bill No. 125 to Committee on Internal Improvements.

## PENDING BUSINESS.

Senator Sebastian moved to reconsider the vote by which the Senate passed Senate bill No. 112, and lay that motion on the table.

Tabled.

On motion of Senator Wayland, the regular order was suspended, and the Chair laid before the Senate,

Senate bill No. 86, A bill to be entitled "An Act to create a more efficient road system for Robertson county, Texas, and making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining their powers and duties of such county commissioners, and providing for the appointment of road overseers and defining their duties, and for the working of county convicts upon the public roads of said county, and providing for officers' fees and rewards for the capture of escaped convicts and to provide for the manner of training hedges along any public road, and to provide for the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for a violation of this act, and repeal all laws in conflict with this act," action being on engrossment.

Bill read second time, and ordered engrossed.

Senator Yett moved to suspend the regular order and take up

Senate bill No. 72, A bill to be entitled "An Act to incorporate the city of Austin; to grant it a new charter, and fix its boundaries."

Senator Gough raised the point of order that Rule 51 requires that all bills must lie on the table for one day before consideration.

Sustained.

Senator Turney moved to suspend the rule requiring bills to lie on the table for one day after being reported, for the purpose of taking up Senate bill No. 72.

Suspended by the following vote:

Yeas—24.

Atlee.	Neal.
Burns.	Patterson.
Davidson.	Potter.
Dibrell.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Terrell.
Lloyd.	Turney.
McGee.	Wayland.
Miller.	Yantis.
Morriss.	Yett.

Nays—2.

Gough.	Odell.
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Absent—Excused.

Goss.	Lewis.
Greer.	Linn.
Hanger.	

Senator Yett renewed his motion to suspend the regular order to take up Senate bill No. 72.

Agreed to, and the Chair laid before the Senate, Senate bill No. 72 (see caption above).

Bill read second time.

Senator Miller moved to substitute the favorable minority report of the committee for the unfavorable majority report.

(Pending action, Senator Atlee in the Chair.)

Minority report adopted.

The bill as amended was ordered engrossed.

On motion of Senator Miller, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading, and final passage by the following vote:

Yeas—22.

Atlee.	Patterson.
Davidson.	Potter.
Dibrell.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Kerr.	Stone.
Lloyd.	Terrell.
McGee.	Turney.
Miller.	Wayland.
Morriss.	Yantis.
Neal.	Yett.

Nays—4.

Burns.	Johnson.
Gough.	Odell.

Absent—Excused.

Goss.	Lewis.
Greer.	Linn.
Hanger.	

Bill read third time, and passed by the following vote:

Yeas—22.

Atlee.	Patterson.
Davidson.	Potter.
Dibrell.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Kerr.	Stone.
Lloyd.	Terrell.
McGee.	Turney.
Miller.	Wayland.
Morriss.	Yantis.
Neal.	Yett.

Nays—4.

Burns.	Johnson.
Gough.	Odell.

Absent—Excused.

Goss.	Lewis.
Greer.	Linn.
Hanger.	

"I vote 'no' for the following reasons: This bill providing a charter for the city of Austin includes fifty-five, printed pages; the same has never been printed and laid on the desks of the members; the same has never been read in a session of the Senate, and I decline to support any measure that an opportunity has not been afforded me of familiarizing myself with. From newspaper comment the bill includes several provisions that are contrary to my views of local self-government, are undemocratic, violative of the spirit of our free institutions.

"1st. The bill provides for what is known as the metropolitan police system, virtually placing the police department of the city under the control of the Governor, depriving the people of the right of local self-government. While the police force department may be removed from local politics, a greater evil is provided for by removing said department from local to State politics.

"2nd. The bill gives to the city council the right to compromise back tax claims, a power conferred in no other body in this State. The said power being revolutionary and dangerous.

"3rd. The bill legislates out of office some of the duly elected officers of the city before the expiration of their terms of office.



"4th. The bill denies to the citizens of Austin the right to ratify or reject the organic law of the city as contained in said charter, and this privilege should not be denied them in a matter of such vital importance to them.

"5th. The bill makes the mayor ex-officio recorder of the city, and in this provision is contrary to the corporation court bill recently passed. Having had no opportunity to read the bill I am not prepared to say whether there are other features to which I can not lend my assent.

"ODELL."

"I vote 'no,' because the bill has not been printed in the regular order and laid upon the desks, and for the further reason that I have not had an opportunity to examine the bill.

"JOHNSON."

Senator Turney moved to reconsider the vote by which the bill passed, and lay that motion on the table.

Tabled.

Senator Wayland moved to reconsider the vote by which Senate bill No. 86 (see caption above) was ordered engrossed.

Reconsidered.

Senator Wayland moved that the committee amendment, to wit: Amend by adding to Section 14 the following:

"Provided further, that no commissioner shall receive any pay for riding over and inspecting the roads in his precinct until he is satisfied and has satisfied the commissioners court that the overseer of each road in his precinct has called out and used all lawful means to work the hands on his particular road the number of days required by law," be adopted.

Adopted.

Bill as amended ordered engrossed.

#### MADE SPECIAL ORDER.

On motion of Senator Grinnan,

Senate bill No. 91, A bill to be entitled "An Act for the appointment of a receiver to take charge, control and management of all the property and assets of any railroad company when the enforcement of any of the freight or tariff rates fixed by the Railroad Commission is or has been enjoined by suit in any court, State or Federal," was made special order for next Monday, February 20, after morning call.

#### PENDING BUSINESS.

On motion of Senator Neal, the regular order was suspended and the Chair laid before the Senate,

Senate bill No. 131, A bill to be entitled

"An Act to amend Articles 3235, 3236 and 3240, of the Revised Civil Statutes of the State of Texas of 1895, relating to the preference lien granted to landlords for rents, supplies, advances, etc.," action being on third reading and final passage.

Bill read third time, and passed.

On motion of Senator Morriss, the regular order was suspended, and the Chair laid before the Senate,

Senate bill No. 37, A bill to be entitled "An Act to amend Article 2460, Revised Civil Statutes of Texas, by adding Articles 2460a, 2460b, 2460c, 2460d, relating to mileage charged by sheriffs and constables in civil cases," action being on engrossment.

Bill read second time, and ordered engrossed.

On motion of Senator Morriss, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—24.

Atlee.	Odell.
Burns.	Patterson.
Dibrell.	Potter.
Grinnan.	Ross.
James.	Sebastian.
Johnson.	Stafford.
Kerr.	Stone.
Lloyd.	Terrell.
McGee.	Turney.
Miller.	Wayland.
Morriss.	Yantis.
Neal.	Yett.

Nays—1.

Gough.

Absent—Excused.

Goss.	Lewis.
Greer.	Linn.
Hanger.	

Bill read third time, and passed by the following vote:

Yeas—24.

Atlee.	Morriss.
Burns.	Odell.
Davidson.	Patterson.
Dibrell.	Potter.
Gough.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Terrell.
Lloyd.	Turney.
McGee.	Yantis.
Miller.	Yett.

Absent.

Neal.	Wayland.
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## Absent—Excused.

Goss. Lewis.  
Greer. Linn.  
Hanger.

Senator Morriss moved to reconsider the vote by which the bill passed, and lay that motion on the table.

Tabled.

On motion of Senator Burns, the regular order was suspended, and the Chair laid before the Senate,

Senate bill No. 122, A bill to be entitled "An Act to provide for the redemption of land sold under decree of court for taxes due an incorporated city or town, and providing that redemption of the land so sold may be had within two years from the date of such sale, and providing the terms, conditions and penalties incident thereto," action being on engrossment.

Bill read second time, and ordered engrossed.

On motion of Senator Burns, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

## Yeas—23.

Atlee. Morriss.  
Burns. Neal.  
Davidson. Odell.  
Dibrell. Potter.  
Gough. Ross.  
Grinnan. Sebastian.  
James. Stafford.  
Johnson. Terrell.  
Kerr. Turney.  
Lloyd. Yantis.  
McGee. Yett.  
Miller.

## Nays—1.

Patterson.

## Absent.

Stone. Wayland.

## Absent—Excused.

Goss. Lewis.  
Greer. Linn.  
Hanger.

Bill read third time, and passed by the following vote:

## Yeas—24.

Atlee. Kerr.  
Burns. Lloyd.  
Davidson. McGee.  
Dibrell. Miller.  
Gough. Morriss.  
Grinnan. Neal.  
James. Odell.  
Johnson. Potter.

17—Senate

Ross. Turney.  
Sebastian. Wayland.  
Stafford. Yantis.  
Terrell. Yett.

## Absent.

Patterson. Stone.

## Absent—Excused.

Goss. Lewis.  
Greer. Linn.  
Hanger.

On motion of Senator Terrell, the regular order was suspended, and the Chair laid before the Senate,

Senate bill No. 54, A bill to be entitled "An Act to require county and city tax assessors and their deputies to administer the oath or affirmation to those rendering property for taxation, and affixing a penalty for the failure or refusal to do so," action being on engrossment.

Bill read second time, and ordered engrossed.

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

## Yeas—25.

Atlee. Odell.  
Burns. Patterson.  
Davidson. Potter.  
Dibrell. Ross.  
Grinnan. Sebastian.  
James. Stafford.  
Johnson. Stone.  
Kerr. Terrell.  
Lloyd. Turney.  
McGee. Wayland.  
Miller. Yantis.  
Morriss. Yett.  
Neal.

## Absent.

Gough.

## Absent—Excused.

Goss. Lewis.  
Greer. Linn.  
Hanger.

(President pro tem Stafford in the Chair.)

Bill read third time, and passed.

The Chair announced the following committee under resolution of Senator Stone previously adopted:

Committee to visit the State penitentiaries at Huntsville and Rusk, and other State institutions, in accordance with resolution offered by the Senator from Washington: Senators Stone, Neal and Wayland.

Clerk for committee: M. L. Goodwin.

On motion of Senator Davidson, the

regular order was suspended, and the Chair laid before the Senate,

Senate bill No. 103, A bill to be entitled "An Act to amend Section 23, of Article 1194, of the Revised Civil Statutes of the State of Texas, regulating the venue of suits against private corporations, associations, and joint stock companies, so as to permit suits against carriers to be brought in any county in which the carrier on whose line the freight or baggage originated or was first shipped, has an office or agency, and against whom, with others, damages are claimed, or in any county in which is situated the depot, town, or point to which the freight or baggage was consigned or shipped, and to permit two or more carriers to be joined in one suit," action being on engrossment.

Bill read second time, and pending action, on motion of Senator McGee, further consideration was postponed, and the bill, together with Senate bill No. 95, was made special order for Wednesday, February 22, after morning call.

The Chair laid before the Senate,

House Concurrent Resolution No. 19:

Resolved by the House of Representatives, the Senate concurring, That the Senators and Representatives in Congress from Texas be and are hereby requested to urge the submission of an amendment to the Constitution of the United States, providing for the election of United States senators by a direct vote of the people.

On motion of Senator Burns, the resolution was unanimously adopted.

The Chair laid before the Senate,

House Concurrent Resolution No. 21:

Whereas, The Governor, by special message, has called the attention of the Legislature to the fact that the State Reformatory is probably a failure so far as promoting the purposes for which it was created is concerned, and suggesting a necessity for examining into the work of reformation accomplished thereby, to the end that the Legislature may intelligently deal with said institution as the best interest of the State demands; therefore, be it

Resolved, That the Speaker of this House shall appoint a committee of three members of the House, to act in concert with a committee of two members of the Senate, the Senate concurring, to make a full and complete investigation of the work of said institution, and the result of said work, which said committee shall report back to the Legislature its findings, with its recommendations.

(House committee: Bailey, Lane and Henderson of Lamar.)

Adopted.

Senator Turney moved that the Senate adjourn until 3 o'clock this evening.

Senator Morris moved to adjourn until 10 o'clock Friday morning.

Question being on the longest time first, the Senate adjourned until 10 o'clock Friday morning, February 17.

## TWENTY-SEVENTH DAY.

Senate Chamber,

Austin, Texas, Friday, Feb. 17, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. No quorum, the following Senators answering to their names:

Atlee.	Kerr.
Burns.	Lloyd.
Davidson.	McGee.
Dibrell.	Miller.
Goss.	Odell.
Greer.	Potter.
Grinnan.	Sebastian.
James.	Terrell.
Johnson.	Wayland.

Absent.

Gough.	Stafford.
Linn.	Stone.
Morris.	Turney.
Neal.	Yantis.
Patterson.	Yett.
Ross.	

Absent—Excused.

Hanger.	Lewis.
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Senator Wayland moved a call of the Senate, which was duly ordered, the following Senators answering to their names:

Atlee.	Kerr.
Burns.	Lloyd.
Davidson.	McGee.
Dibrell.	Miller.
Goss.	Odell.
Greer.	Potter.
Grinnan.	Sebastian.
James.	Terrell.
Johnson.	Wayland.

Absent.

Gough.	Stafford.
Linn.	Stone.
Morris.	Turney.
Neal.	Yantis.
Patterson.	Yett.
Ross.	

Absent—Excused.

Hanger.	Lewis.
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No quorum.

Senators Stafford and Gough were announced.